

Form 213

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**John Benjamin Vivian
Jodie Lynn Vivian
aka Jodie L Batka**
Debtor(s)

Bankruptcy Case No.: 19-10899-TPA
Related to Docket No. 64
Chapter: 13
Docket No.: 65 – 64
Concil. Conf.: 12/1/20 at 10:00 AM

ORDER

WHEREAS, the Trustee filed and served a *Certificate of Default Requesting Dismissal of Case*, alleging that the Debtor(s) failed to make regular plan payments and are in material default under the plan,

IT IS HEREBY ORDERED that, on or before **November 6, 2020**, Debtor(s) must file *Documentary Proof of Payment* according to the accompanying *Instructions*, together with either:

1. a *Notarized Affidavit or Declaration* under penalty of perjury that states Debtor(s)' current mailing address and includes an explanation of Debtor(s)' failure to comply with the current plan payment and/or a statement setting forth why the Debtor(s) dispute the *Certificate of Default*;

OR

2. a *Notice of Proposed Modification to Confirmed Plan* and an *Amended Plan* to cure the plan defaults. Debtor(s) must make all plan payments in accordance with the *Amended Plan* pending its confirmation. If the Debtor(s) default on such plan payments, and if the Trustee moves for dismissal of this case, the case will be **DISMISSED**, without further notice or hearing.

IT IS FURTHER ORDERED that, if the Debtor(s) elect to file an *Amended Plan*, the Debtor(s) must immediately serve a copy of the *Notice of Proposed Modification to Confirmed Plan*, the *Amended Plan*, and the *Documentary Proof of Payment* on the Chapter 13 Trustee and all parties on the mailing matrix and file a *Certificate of Service* with the Clerk.

On or before **November 27, 2020**, if the Debtor(s) elect to file an *Amended Plan*, all *Objections* must be filed and served on the Debtor(s), Chapter 13 Trustee and any creditor whose claim is the subject of the *Objection*. Any creditor who files a timely *Objection* must appear at the scheduled Conciliation Conference. Untimely *Objections* will not be considered.

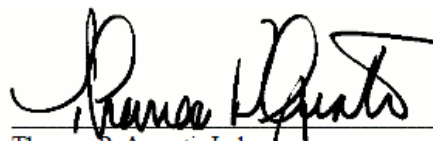
On **12/1/20 at 10:00 AM** a Conciliation Conference (on plan defaults or the *Amended Plan*) will occur with the Chapter 13 Trustee at remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteedpa.com.

If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.

This case will be **DISMISSED WITHOUT PREJUDICE** and no hearing or conference shall take place, unless the Debtor(s) comply fully with this *Order* by filing and serving all of the required items.

Dated: September 22, 2020

cm: All Creditors and Parties In Interest


Thomas P. Agresti, Judge
United States Bankruptcy Court

INSTRUCTIONS FOR DOCUMENTARY PROOF OF PAYMENT

In response to the Trustee's *Certificate of Default Requesting Dismissal of Case*, Debtor(s) must file *Documentary Proof of Payment* that at least one full plan payment has been submitted to the Trustee since the Trustee filed and served the *Certificate of Default*.

The *Documentary Proof of Payment* must include a copy of a money order, cashier's check, earnings statement(s) or pay stub(s) showing payroll or benefit deduction(s) used to make the plan payment.

The *Documentary Proof of Payment* must also include a copy of the Trustee's printout of the Debtor(s)' payment history of receipts (available on the Trustee's website) indicating the amounts and dates of payments received by the Trustee.

Debtor(s)' case name and bankruptcy case number must be included on the payment.

The plan payment must be sent to the Chapter 13 Trustee's lock box bank account addressed to:

Ronda J. Winnecour, Trustee
P.O. Box 84051
Chicago, IL 60689-4002

Certificate of Notice Page 3 of 4
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 John Benjamin Vivian
 Jodie Lynn Vivian
 Debtors

Case No. 19-10899-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 213

Page 1 of 2
 Total Noticed: 40

Date Rcvd: Sep 22, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 24, 2020.

db/jdb
 sp
 15117919 +John Benjamin Vivian, Jodie Lynn Vivian, PO Box 677, Conneaut Lake, PA 16316-0677
 15117920 +Dallas W. Hartman, 201 Green Ridge Drive, New Castle, PA 16105-6139
 15117921 +Aes / Pheaa frn, PO Box 61047, Harrisburg, PA 17106-1047
 15117922 +Ar Resources Inc, 1777 Sentry Parkway West, Blue Bell, PA 19422-2206
 15117922 +BFG Supply Company, PO Box 479, Burton, OH 44021-0479
 15117924 +CAINE & WEINER COMPANY, 12005 FORD ROAD 300, DALLAS TX 75234-7262
 15133231 (address filed with court: Caine Weiner, Po Box 55848, Sherman Oaks, CA 91413)
 15133231 +Commonwealth Financial, 245 Main Street, Dickson City, PA 18519-1641
 15205473 +Commonwealth of PA UCTS, Department of Labor & Industry, 651 Boas Street, Room 702,
 15117927 Harrisburg, PA 17121-0751
 15133232 Educational Credit Management Corporation, P.O. Box 16408, St. Paul, MN 55116-0408
 15133232 Geneva Truck & Equipment Inc, 17693 PA 285, Cochran, PA 16314
 15133232 +Household Finance Consumer, Discount Company, 3747 William Penn Highway,
 15133233 Monroeville, PA 15146-2189
 15117928 +John M Rossi, c/o Jessica A Smith, 1 East State Street, 4th Floor,
 15133233 Sharon, PA 16146-1714
 15117928 +KML Law Group PC, BNY Mellon Independence Center, 701 Market Street, Suite 5000,
 15133234 Philadelphia, PA 19106-1541
 15117929 +Lloyds Rental & Sales, 1355 South Main Street, Meadville, PA 16335-3072
 15117930 +Luke's Automotive, 1836 West 26th Street, Erie, PA 16508-1149
 15117933 +Meadville Diagnostic Medical Imaging Inc, 751 Liberty Street, Meadville, PA 16335-2559
 15129308 +PA Liberty St Emergency Physicians LLC, 751 Liberty Street, Meadville, PA 16335-2559
 15157828 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
 15117935 +PNC Bank, N.A., P.O. Box 94982, Cleveland, OH 44101-4982
 15149126 +PNC Mortgage, Attn: Bankruptcy Dept., 3232 Newmark Drive, Miamisburg, OH 45342-5433
 15117934 +Penelec, c/o FirstEnergy/Penelec, 101 Crawford's Corner Rd., Bldg. #1, Ste. 1-511,
 15117937 Holmdel, NJ 07733-1976
 15133235 +Penn Credit Corporation, 2800 Commerce Drive, Harrisburg, PA 17110-9307
 15133236 +Progressive, PO Box 7247-0311, Philadelphia, PA 19170-0001
 15148245 +Tamara Kerr, 200 South Ridge East, Geneva, OH 44041-9303
 15144672 +Tracy Little, 27651 Hickory Corners Road, Guys Mills, PA 16327-5529
 +UPMC Physician Services, PO Box 1123, Minneapolis MN 55440-1123
 +Windstream, Attn: Financial Services, 1720 Galleria Blvd, Charlotte, NC 28270-2408

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

15117923 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Sep 23 2020 04:23:14
 Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 15117925 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 23 2020 04:24:32 Capital One N.A.,
 PO Box 30285, Salt Lake City, UT 84130-0285
 15117926 +E-mail/Text: electronicbkydocs@nelnet.net Sep 23 2020 04:22:24
 Department Of Education / Nelnet Loans, 121 South 13th Street, Lincoln, NE 68508-1904
 15147192 +E-mail/Text: bankruptcy@firstenergycorp.com Sep 23 2020 04:22:22 First Energy,
 5001 Nasa Boulevard, Fairmont, WV 26554-8248
 15117931 +E-mail/Text: Bankruptcy@natfuel.com Sep 23 2020 04:22:19 National Fuel, Legal Dept.,
 P.O. Box 2081, Erie, PA 16512-2081
 15117932 +E-mail/Text: Bankruptcies@nragroup.com Sep 23 2020 04:22:49 National Recovery Agency,
 2491 Paxton Street, Harrisburg, PA 17111-1036
 15117936 +E-mail/Text: toleski@oamortho.com Sep 23 2020 04:22:47 Orthopedic Associates of Meadville,
 11277 Vernon Place, Suite 200, Meadville, PA 16335-3719
 15139803 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 23 2020 04:23:53
 Portfolio Recovery Associates, 150 Corporate Boulevard, Norfolk, VA 23502
 15135492 +E-mail/Text: bankruptcy@firstenergycorp.com Sep 23 2020 04:22:22 Penn Power,
 5001 NASA Blvd, Fairmont WV 26554-8248
 15117938 E-mail/PDF: resurgentbknofications@resurgent.com Sep 23 2020 04:23:21
 Pinnacle Credit Services, LLC, Resurgent Capital Services, PO Box 10587,
 Greenville, SC 29603-0587
 15128456 +E-mail/Text: bankruptcy@sw-credit.com Sep 23 2020 04:22:19 Southwest Credit Systems,
 4120 International Parkway, Carrollton, TX 75007-1958
 15117939 +E-mail/Text: electronicbkydocs@nelnet.net Sep 23 2020 04:22:24
 US Department of Education c/o Nelnet, 121 S 13th St, Suite 201, Lincoln, NE 68508-1911
 +E-mail/Text: wci.bankruptcy@windstream.com Sep 23 2020 04:22:50
 Windstream Communications Inc., 4001 Rodney Parham Road, Little Rock, AR 72212-2459
 TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC BANK NATIONAL ASSOCIATION

District/off: 0315-1

User: vson
Form ID: 213

Page 2 of 2
Total Noticed: 40

Date Rcvd: Sep 22, 2020

cr* Educational Credit Management Corporation, PO Box 16408, St. Paul, MN 55116-0408
TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 24, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 22, 2020 at the address(es) listed below:

Brian Nicholas on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
Daniel P. Foster on behalf of Joint Debtor Jodie Lynn Vivian dan@mrdebtbuster.com,
katie@mrdebtbuster.com/kaitlyn@mrdebtbuster.com/kristen@mrdebtbuster.com/fosterlaw@ecf.inforuptcy.com
Daniel P. Foster on behalf of Debtor John Benjamin Vivian dan@mrdebtbuster.com,
katie@mrdebtbuster.com/kaitlyn@mrdebtbuster.com/kristen@mrdebtbuster.com/fosterlaw@ecf.inforuptcy.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5